

Notice of Allowability

Application No.

10/825,883

Examiner

William H. Beisner

Applicant(s)

QIU, JEAN

Art Unit

.1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's communication dated 8/20/2007 and telephone conversation dated 10/26/2007.

2. ☒ The allowed claim(s) is/are 14-19,23-27,30-33 and 35.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20071029.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

Art Unit: 1797

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William G. Guerin (Reg. No. 41,047) on 10/26/2007.

The application has been amended as follows:

IN THE SPECIFICATION:

In the specification at page 7, line 20, "15(g)" has been changed to --15(f)--.

IN THE CLAIMS:

Withdrawn claims 1-9 have been canceled.

In claim 14, line 4, --on a first side-- has been inserted after "features".

In claim 14, line 7, --first side of said-- has been inserted before "micro-pattern".

In claim 14, line 9, "volume" has been changed to --well having an open top and being--.

In claim 25, line 4, --on a first side-- has been inserted after "features".

In claim 25, line 6, --first side of said-- has been inserted before "micro-pattern".

In claim 25, line 8, --each having an open top and being configured-- has been inserted after "assay locations".

Claims 28 and 29 have been canceled.

In claim 30, line 4, --on a first side-- has been inserted after "features".

In claim 30, line 8, --first side of said-- has been inserted before "micro-pattern".

Art Unit: 1797

In claim 30, line 10, "volume" has been changed to--well having an open top and being--.

Claim 34 has been canceled.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: While the combination of the references of Lorinez (US 5,812,312) in view of Weiner (DE 19952139) or Burke et al.(US 6,597,500) suggests forming a volume using a micro-pattern embedded optical film and support component, the prior art fails to teach or fairly suggest using the claimed micro-pattern embedded optical film and support component to form a well or a plurality of assay locations with an open top wherein the contrast features are in contact with the well or assay location formed. That is, the prior art of record fails to teach or fairly suggest modifying the slide (11) of Lorinez to include an open top when film (16) is bonded or attached to the slide (11).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Beisner whose telephone number is 571-272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

Art Unit: 1797

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Beisner/
Primary Examiner
Art Unit 1797

WHB